

1 **QUINN EMANUEL URQUHART & SULLIVAN, LLP**
2 Stephen A. Swedlow (admitted *pro hac vice*)
3 stephenswedlow@quinnemanuel.com
4 191 N. Wacker Drive, Suite 2700
5 Chicago, IL 60606
6 (312) 705-7400

7 **HAGENS BERMAN SOBOL SHAPIRO LLP**
8 Shana E. Scarlett (Bar No. 217895)
9 shanas@hbsslaw.com
10 715 Hearst Avenue, Suite 202
11 Berkeley, CA 94710
12 (510) 725-3000

13 *Interim Co-Lead Consumer Class Counsel*

14 **BATHAEE DUNNE LLP**
15 Yavar Bathaee (Bar No. 282388)
16 yavar@bathaedunne.com
17 445 Park Avenue, 9th Floor
18 New York, NY 10022
19 (332) 322-8835

20 **SCOTT+SCOTT ATTORNEYS AT LAW LLP**
21 Kristen M. Anderson (Bar No. 246108)
22 kanderson@scott-scott.com
23 230 Park Avenue, 17th Floor
24 New York, NY 10169
25 (212) 233-6444

26 *Interim Co-Lead Advertiser Class Counsel*

27 SONAL N. MEHTA (SBN 222086)
28 Sonal.Mehta@wilmerhale.com
1 **WILMER CUTLER PICKERING**
2 **HALE AND DORR LLP**
3 950 Page Mill Road
4 Palo Alto, California 94303
5 Telephone: (650) 858-6000
6 Facsimile: (650) 858-6100

7 **DAVID Z. GRINGER (pro hac vice)**
8 David.Gringer@wilmerhale.com
9 **WILMER CUTLER PICKERING**
10 **HALE AND DORR LLP**
11 7 World Trade Center
12 250 Greenwich Street
13 New York, NY 10007
14 Telephone: (212) 230-8800
15 Facsimile: (212) 230-8888

16 *Attorneys for Defendant Facebook, Inc.*

17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

19 **SAN JOSE DIVISION**

20 MAXIMILIAN KLEIN, et al.,

21 Plaintiffs,

22 v.

23 FACEBOOK, INC.,

24 Defendant.

25 Case No. 5:20-cv-08570-LHK

26 **STIPULATION TO ENTER FIRST
27 AMENDED FEDERAL RULES OF
28 EVIDENCE 502(D) CLAWBACK
1 ORDER**

2 Judge: Hon. Virginia K. DeMarchi

1 Consumer Plaintiffs, Advertiser Plaintiffs, and Defendant Facebook, Inc. (collectively, the
 2 "Parties"), by and through their respective counsel, hereby stipulate as follows:

3 WHEREAS, the Parties submitted their dispute regarding the terms of a Federal Rules of
 4 Evidence 502(d) Clawback Order to the Court for resolution on May 14, 2021 (Dkt. No. 94);

5 WHEREAS, the Court heard argument on the disputed provisions of the 502(d) Clawback
 6 Order on May 25, 2021 (Dkt. No. 99);

7 WHEREAS, the Court thereafter resolved the parties' dispute as to the 502(d) Clawback
 8 Order in a June 3, 2021 order requiring the parties to submit a stipulated 502(d) Clawback Order
 9 (Dkt. No. 105);

10 WHEREAS, the Parties submitted a stipulated 502(d) Clawback Order on June 11, 2021
 11 (Dkt. 106), which the Court entered on June 14, 2021 (Dkt. No. 107);

12 WHEREAS, the Court held a discovery hearing with the Parties on October 26, 2021 and
 13 thereafter requested that the parties submit any proposed modifications to the 502(d) Clawback
 14 Order (Dkt. No. 171);

15 WHEREAS, the Parties agreed to submit any dispute regarding modifications to the 502(d)
 16 Clawback Order to the Court by November 10, 2021 (Dkt. No. 178);

17 WHEREAS, the Parties have, through agreement, resolved all disputes regarding appropriate
 18 modifications to the 502(d) Clawback Order;

19 WHEREAS, the Parties have modified the previously entered 502(d) Clawback Order to
 20 reflect the resolutions reached by the Parties; and

21 WHEREAS, the Parties jointly and respectfully request that the Court enter the Parties'
 22 proposed First Amended Federal Rules of Evidence 502(d) Clawback Order submitted herewith.¹

23 THEREFORE, IT IS HEREBY SO STIPULATED.

24

25 ¹ The Parties' proposed First Amended Federal Rules of Evidence 502(d) Clawback Order is
 26 submitted as an attachment to this stipulation. For the Court's convenience, the Parties have also
 27 submitted—as Exhibit A to this stipulation—a redline reflecting the changes between the
 28 previously-entered Federal Rules of Evidence 502(d) Clawback Order and the Parties' proposed
 First Amended Federal Rules of Evidence 502(d) Clawback Order.

1 DATED: November 10, 2021

2 By: /s/ Yavar Bathaee

3 **BATHAEE DUNNE LLP**

4 Yavar Bathaee (Bar No. 282388)

5 yavar@bathaeedunne.com

6 Edward M. Grauman (admitted *pro hac*
7 vice)

8 egrauman@bathaeedunne.com

9 Andrew C. Wolinsky (admitted *pro hac*
10 vice)

11 awolinsky@bathaeedunne.com

12 445 Park Avenue, 9th Floor

13 New York, NY 10022

14 (332) 322-8835

15 Brian J. Dunne (Bar No. 275689)

16 bdunne@bathaeedunne.com

17 633 West Fifth Street, 26th Floor

18 Los Angeles, CA 90071

19 (213) 462-2772

20 By: /s/ Kristen M. Anderson

21 **SCOTT+SCOTT ATTORNEYS AT LAW**

22 **LLP**

23 Kristen M. Anderson (Bar No. 246108)

24 kanderson@scott-scott.com

25 230 Park Avenue, 17th Floor

26 New York, NY 10169

27 (212) 223-6444

28 Christopher M. Burke (Bar No. 214799)

cburke@scott-scott.com

David H. Goldberger (Bar No. 225869)

dgoldberger@scott-scott.com

Yifan (Kate) Lv (Bar No. 302704)

klv@scott-scott.com

Hal D. Cunningham (Bar No. 243048)

hcunningham@scott-scott.com

Daniel J. Brockwell (Bar No. 335983)

dbrockwell@scott-scott.com

600 W. Broadway, Suite 3300

San Diego, CA 92101

(619) 233-4565

Respectfully submitted,

By: /s/ Stephen A. Swedlow

**QUINN EMANUEL URQUHART & SULLIVAN,
LLP**

Stephen A. Swedlow (*pro hac vice*)

stephenswedlow@quinnemanuel.com

Michelle Schmit (*pro hac vice*)

michelleschmit@quinnemanuel.com

191 N. Wacker Drive, Suite 2700

Chicago, IL 60606-1881

(312) 705-7400

Kevin Y. Teruya (CA 235916)

kevinteruya@quinnemanuel.com

Adam B. Wolfson (CA 262125)

adamwolfson@quinnemanuel.com

Brantley I. Pepperman (CA 322057)

brantleypepperman@quinnemanuel.com

865 South Figueroa Street, 10th Fl.

Los Angeles, CA 90017-2543

(213) 443-3000

Manisha M. Sheth (*pro hac vice*)

manishasheth@quinnemanuel.com

51 Madison Avenue, 22nd Floor

New York, NY 10010

(212) 849-7000

By: /s/ Shana E. Scarlett

HAGENS BERMAN SOBOL SHAPIRO LLP

Shana E. Scarlett (Bar No. 217895)

shanas@hbsslaw.com

715 Hearst Avenue, Suite 202

Berkeley, CA 94710

(510) 725-3000

Steve W. Berman (admitted *pro hac vice*)

steve@hbsslaw.com

1301 Second Avenue, Suite 2000

Seattle, WA 98101

(206) 623-7292

1 Patrick J. McGahan (admitted *pro hac*
2 *vice*)
3 pmcgahan@scott-scott.com
4 Michael P. Srodoski (admitted *pro hac*
5 *vice*)
6 msrodoski@scott-scott.com
7 156 South Main Street, P.O. Box 192
8 Colchester, CT 06415
9 (860) 537-5537

10 **AHDOOT & WOLFSON, PC**
11 Tina Wolfson (Bar No. 174806)
12 twolfson@ahdootwolfson.com
13 Robert Ahdoot (Bar No. 172098)
14 rahdoot@ahdootwolfson.com
15 Theodore W. Maya (Bar No. 223242)
16 tmaya@ahdootwolfson.com
17 Rachel Johnson (Bar No. 331351)
18 rjohnson@ahdootwolfson.com
19 2600 West Olive Avenue, Suite 500
20 Burbank, CA 91505
21 (310) 474-9111

22 **LEVIN SEDRAN & BERMAN LLP**
23 Keith J. Verrier (admitted *pro hac vice*)
24 kverrier@lfsblaw.com
25 Austin B. Cohen (admitted *pro hac vice*)
26 acohen@lfsblaw.com
27 510 Walnut Street, Suite 500
28 Philadelphia, PA 19106-3997
29 (215) 592-1500

30 *Interim Counsel for the Advertiser Class*

31 **LOCKRIDGE GRINDAL NAUEN P.L.L.P.**
32 W. Joseph Bruckner (admitted *pro hac vice*)
33 wjbruckner@locklaw.com
34 Robert K. Shelquist (admitted *pro hac vice*)
35 rkshelquist@locklaw.com
36 Brian D. Clark (admitted *pro hac vice*)
37 bdclark@locklaw.com
38 Rebecca A. Peterson (Bar No. 241858)
39 rapeterson@locklaw.com
40 Arielle S. Wagner (admitted *pro hac vice*)
41 aswagner@locklaw.com
42 100 Washington Avenue South, Suite 2200
43 Minneapolis, MN 55401
44 (612) 339-6900

45 *Interim Counsel for the Consumer Class*

46 By: /s/ Molly M. Jennings
47 **WILMER CUTLER PICKERING HALE AND**
48 **DORR LLP**
49 SONAL N. MEHTA (Bar No. 222086)
50 Sonal.Mehta@wilmerhale.com
51 2600 El Camino Real, Suite 400
52 Palo Alto, California 94306
53 Telephone: (650) 858-6000

54 DAVID Z. GRINGER (*pro hac vice*)
55 David.Gringer@wilmerhale.com
56 7 World Trade Center
57 250 Greenwich Street
58 New York, New York 10007
59 Telephone: (212) 230-8800

60 ARI HOLTZBLATT (*pro hac vice*)
61 Ari.Holtzblatt@wilmerhale.com
62 MOLLY M. JENNINGS (*pro hac vice*)
63 Molly.Jennings@wilmerhale.com
64 1875 Pennsylvania Ave NW
65 Washington, DC 20006
66 Telephone: (202) 663-6000

67 *Attorneys for Defendant Facebook, Inc.*

ATTESTATION OF BRANTLEY I. PEPPERMAN

This document is being filed through the Electronic Case Filing (ECF) system by attorney Brantley I. Pepperman. By his signature, Mr. Pepperman attests that he has obtained concurrence in the filing of this document from each of the attorneys identified on the caption page and in the above signature block.

Dated: November 10, 2021 By s/ Brantley I. Pepperman
Brantley I. Pepperman

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of November 2021, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System, causing the document to be electronically served on all attorneys of record.

By /s/ Brantley I. Pepperman
Brantley I. Pepperman